



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 08 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of
Cantor et al.
Serial No.: 10/617,489
Filed: July 10, 3003
Attorney Docket No.: 532212000623

:
:
: PETITION DECISION
:
:

This is a response to the petition under 37 CFR 1.59(b), filed February 1, 2008, to expunge information from the above identified application.

Petitioner requests that the supplemental IDS filed February 1, 2008 having two documents set forth therein be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The \$200.00 petition fee set forth in 37 CFR 1.17(h) has been paid.

Applicants state the proprietary material submitted on Form PTO 1449 is "subject to protective order". Applicants also state that this information is confidential and should be expunged after examiner consideration if it is found not to be important in deciding whether to allow the application.

This is currently an examined application. The newly submitted IDS has not been reviewed and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. However, the information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at general Office facsimile number, 703-872-9306.

A handwritten signature in black ink, appearing to read 'M. C. Seidel', written in a cursive style.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600